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*Plenary sitting*

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**A8-0376/2017**

27.11.2017

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## **RECOMMENDATION**

on the draft Council decision on the conclusion on behalf of the European Union of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part  
(13419/2016 – C8-0100/2017 – 2006/0058(NLE))

Committee on Transport and Tourism

Rapporteur: Theresa Griffin

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the draft Council decision on the conclusion on behalf of the European Union of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part  
(13419/2016 – C8-0100/2017 – 2006/0058(NLE))**

### **(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (13419/2016),
  - having regard to the Proposal for a Council decision on the signature and provisional application of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part,
  - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0100//2017),
  - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A8-0376/2017),
1. Gives its consent to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America.

## **EXPLANATORY STATEMENT**

### **Background and content of the agreement**

In June 2003 the European Community and its Member States were given a mandate to negotiate an Agreement with the United States of America for an Air Transport Agreement.

The objective of the negotiations was the establishment of an “Open Aviation Area” between the Parties. The idea being to create a single market for air transport in which European and US airlines would be able to provide air services without any restriction and which would include the domestic markets of both parties.

Achievement of the mandate in full would have required significant legislative changes in the United States, in particular to remove the existing legal restrictions on foreign ownership and control of US airlines and on cabotage. Still today, these issues remain extremely politically sensitive in the US. For this reason, the mandate recognised the possibility of implementing an agreement in a staged approach.

In November 2005, the US Department of Transportation (DOT) made an attempt to change the foreign ownership rules by issuing a "Notice of Proposed Rulemaking" (NPRM) in order to make the rules more flexible. The DOT, however, decided in December 2006 to withdraw the NPRM, after reviewing a multitude of public comments, including those received from the US Congress.

This made a new round of negotiations on the draft agreement necessary, making it more acceptable for the EU side.

This resulted in a new first stage draft agreement on 2 March 2007, which was signed at the EU-US summit of 30 April 2007. The Council endorsed the draft agreement and decided to apply it provisionally as from 30 March 2008<sup>1</sup>.

Parliament responded to the new draft agreement through its Resolution 14 March 2007 on the conclusion of the Air Transport Agreement between the European Community and its Member States and the United States of America (T6-0071/2007). It welcomed the first-stage agreement as an important step towards an integrated transatlantic aviation market that will be to the benefit of consumers and gave its consent to the agreement on 11 October 2007<sup>2</sup>.

In May 2008, second stage negotiations were launched and led to the conclusion of a second stage agreement which took the form of a Protocol, amending the initial (first stage) agreement, signed and provisionally applied as from 24 June 2010<sup>3</sup> (the ratification and consent process of the Protocol is still on-going).

The Protocol provides for considerable further advances including additional investment and market access opportunities, as well as strengthening the framework of cooperation in

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<sup>1</sup> Decisions of the Council of 13, 16 & 20 April 2007

<sup>2</sup> T6-0428/2007 and TRAN Committee report A6-0320/2007

<sup>3</sup> Text of the Agreement, OJ L 134, 25.5.2007, p.4; Text of the Protocol, OJ L 223, 25.8.2010, p.1

regulatory areas, such as safety, security as well as environment. It included also (Art.21) a mutual responsibility towards ‘further expansion opportunities’ that covers, among others, future progress relating to foreign ownership rules.

## **Achievements**

In July 2017, in Washington, the EU and the USA celebrated the 10 Years Anniversary of the EU-US Air Transport Agreement. It is widely seen as a great achievement. The Transatlantic market today totals 55 million passengers, this is 6.4 million more passengers and 52 more city-pairs being served than 10 years ago.

However, it should be noted that the combined share of passengers carried through EU and US airports has gone down from 61% of total world passengers in 2000 to 38% in 2015. This reflects the changing nature of aviation markets and the need for ever closer cooperation in international aviation.

The US and EU are still today the most developed aviation markets.

## **Procedure**

The Air Transport Agreement (first stage agreement) was signed on 25 and 30 April 2007 and has been provisionally applied from 30 March 2008.

Parliament gave its consent for the conclusion of the agreement on 11 October 2007.

The Protocol amending the Air Transport Agreement has been signed and is provisionally applied on 24 June 2010.

The ratification process of the agreement was completed by all the Member States, with the exception of Bulgaria, Romania and Croatia, in November 2014<sup>1</sup>.

In October 2015<sup>2</sup>, the Commission presented an amended proposal for a Council decision on the conclusion of the agreement, in order to take account of the entry into force of the Treaty of Lisbon and the fact that Bulgaria, Croatia and Romania had become EU Member States in the meantime.

Following revision by the Council’s lawyer-linguists, the draft decision submitted today for approval by Parliament includes the legal modifications required by the ECJ case law established in its Judgment of 28 April 2015<sup>3</sup>.

In order to conclude the Air Transport Agreement between the European Community and its Member States and the United States of America, the Council needs the consent of the European Parliament as required by Article 218 TFEU.

In accordance with Rules 99 and 108(7) of Parliament’s rules of procedure, the committee responsible shall submit a recommendation for the approval or rejection of the proposed act. Parliament shall then take a decision by means of a single vote, and no amendments to the agreement may be tabled. Amendments in committee shall be admissible only if their aim is to reverse the recommendation proposed by the rapporteur.

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<sup>1</sup> These countries became parties to the agreement through membership of the EU

<sup>2</sup> COM(2015)491 final, 13 October 2015

<sup>3</sup> Case C-28/12, Commission v Council, Judgment of the Court (Grand Chamber) of 28 April 2015, OJ C 213/3 of 29 June 2015

## PROCEDURE – COMMITTEE RESPONSIBLE

|   |   |    |    |    |   |    |   |
|---|---|----|----|----|---|----|---|
| <b>Title</b>  | Air Transport Agreement between the EC and the USA  |    |    |    |   |    |   |
| <b>References</b>   | 13419/2016 – C8-0100/2017 – COM(2006)0169 – C6-0210/2007 – 2006/0058(NLE)   |    |    |    |   |    |   |
| <b>Date of consultation / request for consent</b>               | 7.6.2007  |    |    |    |   |    |   |
| <b>Committee responsible</b><br>Date announced in plenary       | TRAN<br>13.3.2017   |    |    |    |   |    |   |
| <b>Rapporteurs</b><br>Date appointed                            | Theresa Griffin<br>7.12.2015  |    |    |    |   |    |   |
| <b>Date adopted</b>   | 23.11.2017  |    |    |    |   |    |   |
| <b>Result of final vote</b>                                     | <table> <tr> <td>+:                   </td><td>38</td></tr> <tr> <td>–:                   </td><td>0</td></tr> <tr> <td>0:                   </td><td>3</td></tr> </table>  | +: | 38 | –: | 0 | 0: | 3 |
| +:  | 38  |    |    |    |   |    |   |
| –:  | 0   |    |    |    |   |    |   |
| 0:  | 3   |    |    |    |   |    |   |
| <b>Members present for the final vote</b>                       | Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Georges Bach, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Gesine Meissner, Cláudia Monteiro de Aguiar, Renaud Muselier, Markus Pieper, Salvatore Domenico Pogliese, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, Jill Seymour, Pavel Telička, Wim van de Camp, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska |    |    |    |   |    |   |
| <b>Substitutes present for the final vote</b>                   | Jakop Dalunde, Mark Demesmaeker, Jill Evans, Maria Grapini, Peter Kouroumbashev, Jozo Radoš, Olga Sehnalová   |    |    |    |   |    |   |
| <b>Substitutes under Rule 200(2) present for the final vote</b> | Juan Fernando López Aguilar   |    |    |    |   |    |   |
| <b>Date tabled</b>  | 27.11.2017  |    |    |    |   |    |   |



## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| <b>38</b> | <b>+</b>  |
|-----------|---|
| ALDE      | Gesine Meissner, Jozo Radoš, Dominique Riquet, Pavel Telička  |
| ECR       | Mark Demesmaeker, Jacqueline Foster, Roberts Zīle, Kosma Złotowski  |
| EFDD      | Daniela Aiuto, Peter Lundgren   |
| GUE/NGL   | Merja Kyllönen  |
| PPE       | Georges Bach, Deirdre Clune, Andor Deli, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Cláudia Monteiro de Aguiar, Renaud Muselier, Markus Pieper, Salvatore Domenico Pogliese, Massimiliano Salini, Luis de Grandes Pascual, Wim van de Camp |
| S&D       | Lucy Anderson, Isabella De Monte, Ismail Ertug, Maria Grapini, Peter Kouroumbashev, Miltiadis Kyrkos, Bogusław Liberadzki, Juan Fernando López Aguilar, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Olga Sehnalová, Janusz Zemke             |
| Verts/ALE | Michael Cramer, Jakop Dalunde, Jill Evans   |

| <b>0</b> | <b>-</b> |
|----------|----------|
| /        | /        |

| <b>3</b> | <b>0</b>                |
|----------|-------------------------|
| EFDD     | Jill Seymour            |
| ENF      | Marie-Christine Arnautu |
| PPE      | Dieter-Lebrecht Koch    |

Key to symbols:

+ : in favour

- : against

0 : abstention